

**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Authorize Response to San Joaquin County Grand Jury Regarding its Investigation of the Request for Proposal Process Used by San Joaquin County Emergency Medical Services.

MEETING DATE: September 5, 2007

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Authorize Staff to Respond to the San Joaquin County Grand Jury Regarding its Investigation of the Request for Proposal Process Used by San Joaquin County Emergency Medical Services.

BACKGROUND INFORMATION: The 2005/2006 Grand Jury investigated a complaint concerning San Joaquin Counties award of the ambulance and dispatch contract to American Medical Response (AMR), and complaints alleging negligent AMR dispatch. The Grand Jury issued its Final Report on June 12, 2007 and requested that the involved City Councils respond to various recommendations made in the Report. Response is required no later than September 10, 2007.

San Joaquin County sued the cities of Lodi, Stockton and Manteca over the very issues raised by the Grand Jury investigation. In partial response to the Grand Jury Report, the parties engaged in earnest settlement negotiations. However, because the matter remains in litigation, the settlement process could be compromised by a further response. Staff anticipates negotiations between the parties will conclude in late September and a full report on the resolution will be provided to the Grand Jury at that time. As such, staff requests authorization of the Council to provide the Grand Jury with a statement that: "The City of Lodi has taken the San Joaquin County Grand Juries concerns seriously and engaged in a process to bring an expeditious resolution to the dispute. A full report on the resolution of the dispute will be provided to the Grand Jury by the early fall of 2007. "

FISCAL IMPACT: None.

Janice D. Magdich, Deputy City Attorney

cc: Mike Pretz, Fire Chief

APPROVED:

Blair King, City Manager



Grand Jury
County of San Joaquin
Courthouse
222 East Weber Avenue-Room 303
Stockton, California 95202
(209)468-3855

CASE # 10-06 FINAL REPORT:
SAN JOAQUIN COUNTY EMERGENCY MEDICAL SERVICES

REASON FOR INVESTIGATION:

The 2005/06 Grand Jury investigated a complaint concerning the Request for Proposal (RFP) process used in the awarding of the ambulance and dispatch contract by the San Joaquin County Board of Supervisors (BOS). This procurement process included the provision of all emergency ambulance responses within the County, as well as the operation of the ambulance provider's dispatch center, which was to be an approved Emergency Medical Dispatch (EMD) center and 911 secondary answering point. The investigation of the 2005/06 Grand Jury was focused upon the RFP process as it pertains to policy and procedures only and not upon the feasibility/viability of the services that may be delivered. The 2005/06 Grand Jury recommended that the BOS should provide an analysis of the ambulance service at six and twelve month intervals to the succeeding Grand Jury in order to assess the impact of this change on the health and safety of County residents.

The 2006/07 Grand Jury decided to continue the review of ambulance and dispatch services based on that recommendation. Subsequently the members received two formal complaints alleging serious dispatch failures by American Medical Response, Inc. (AMR) which have affected the response and provision of emergency medical services to the residents of San Joaquin County. One of the complaints submitted to the current Grand Jury was mostly a personal attack on the Emergency Medical Services Agency (EMS) and its Director. The management of the contract was called grossly negligent, covering up careless and dangerous practices of AMR. It also claimed that the transfer to a "lesser facility" was illegal, proven faulty and lethal. It noted that many of the problems have gone unreported in the media. In addition, it alleged that the Director of EMS has acted to protect AMR by manipulating response times and hiding the very careless behavior of AMR. In addition, the complaint called for the examination of the contract accountability by the EMS Agency and so called "misconduct" fines to be paid by the Company (AMR).

BACKGROUND:

San Joaquin County is served by seventeen fire departments. Prior to the AMR contract, three of the fire departments provided Advanced Life Support (ALS) services and fourteen provided Basic Life Support services. All emergency

ambulance service dispatching as well as fire dispatching within the county before the awarding of the contract was done by the Stockton Fire Department's Regional Dispatch Center. On May 1, 2006 services under the AMR contract began at 8 a.m.

METHOD OF INVESTIGATION:

Organizations Visited

AMR/LifeCom Call and Dispatch Center in Salida (two visits)
City of Stockton Fire Department Call and Dispatch Center
City of Stockton Police Department Call and Dispatch Center
California Highway Patrol Call and Dispatch Center
San Joaquin County Sheriff's Call and Dispatch Center
City of Tracy Fire Department
San Joaquin County Emergency Medical Services Office
City of Manteca Fire Department
City Ripon Consolidated Fire District
City of Lodi Fire Department

At the call and dispatch centers we visited, in addition to interviewing call takers and dispatchers, the Grand Jury observed and listened to calls and dispatching.

People Interviewed

AMR San Joaquin County Operations General Manager
Vice President of LifeCom Support
Director of Communications -LifeCom EMS & Fire Dispatch

EMS Administrator
EMS QI/Trauma Coordinator
EMS Specialist

President, Inspironics Corporation

Deputy Chief, City of Stockton Fire Department
Captain, Emergency Communications Director, City of Stockton Fire Department.
Dispatch Supervisor, Stockton Police Department

Chief, City of Tracy Fire Department
Chief, City of Ripon Consolidated Fire District
Chief, City of Manteca Fire Department
Chief, City of Lodi Fire Department
Lieutenant, San Joaquin County Call and Dispatch Center
Supervisory Communications Dispatcher, SJC Call and Dispatch Center
GIS Manager, SJC Community Development Department/GIS
GIS Coordinator, City of Stockton
Lieutenant, California Highway Patrol (CHP), Stockton Area
Public Safety Dispatch Supervisor, CHP, Stockton Area

Documents Reviewed:

1. San Joaquin County Emergency Medical Services Agency EMS Liaison Contact List
2. San Joaquin County EMS Quality Improvement Council Membership
3. Paramedic Services Agreement between San Joaquin County and the City of Stockton, April 9, 1986
4. List of All ALS and BLS Fire Departments in San Joaquin County
5. Letter from AMR to EMS dated August 9, 2006, Re: Appeal of fines for May and June 2006
6. Letter from EMS to AMR dated October 4, 2006, Re: Appeal of Fines for May and June 2006
7. Summaries from the EMS Incident Reporting System concerning Incidents Per Primary Incident Type, Incidents Per Reporting Company, Incidents Per Company Rpt Pertains To, 05/01/2006-01/31/2007
8. Incidents List, Detailed from the EMS Incident Reporting System for 05/01/2006-12/31/2006
9. Incidents List, Detailed from the EMS Incident Reporting System for 01/01/2007-01/31/2007
10. Incident Detail Report, Incident number: 06082553, Incident Date: 10/07/2003, 23:54:12
11. EMS Agency Report on the Exclusive Emergency Ambulance Provider Contract Compliance for AMR for the months of May and June, dated August 13, 2006
12. EMS Agency Report on the Exclusive Emergency Ambulance Provider Contract Compliance for American Medial Response for the months of July and August 2006, dated November 9, 2006
13. EMS Agency Report on the Exclusive Emergency Ambulance Provider Contract Compliance for American Medial Response for the months of September and October 2006
14. EMS Agency Report on the Exclusive Emergency Ambulance Provider Contract Compliance for AMR for November and December 2006
15. Letter to EMS from Stockton Fire Department Consultant/Investigator re: Medical Dispatch-Keyser Drive dated November 8, 2006

16. Letter to the Chairman of the San Joaquin County Board of Supervisors from the Mayor of Stockton dated July 27, 2006
17. Trittech CAD-to-CAD (Computer Assisted Dispatch) Functional Specification Documents
18. Logisys CAD-to-CAD Functional Specifications Documents
19. Unusual Occurrences Filed by the Stockton Fire Department with Delayed Calls Highlighted.
20. CAD-to-CAD Links report (Computer Assisted Dispatch) from AMR/LifeCom to the Stockton Fire Department from September 9, 2006 to March 19, 2007 of responses that were two minutes or longer.
21. Structure Fire Call Times submitted by AMR/LifeCom to EMS that conflict with the times AMR/LifeCom submitted to the Stockton Fire Department.
22. Series of Letters (May 1 and May 2, 2006) from Chief Hittle, Stockton Fire Department to Kenneth Cohen, Director, San Joaquin County Health Care Services, detailing perceived dispatch and communication problems.
23. May 3rd Letter from Kenneth Cohen to Chief Hittle responding to Chief Hittle's letters of May 1 and May 2.
24. Series of Letters (May 5, May 9) from Chief Hittle to Kenneth Cohen detailing perceived EMS system failures.
25. Memorandum dated December 19, 2003 from the San Joaquin County Fire Chiefs Association to Chico Research Foundation with a subject of Redesign of County EMS System.
26. San Joaquin County EMS Agency Continuous Quality Improvement Meeting Rules
27. Letter from the Chief of the Tracy Fire Department, dated February 13, 2007, to the Director of the Administrative Services Department for the City of Stockton concerning the issue of public safety radio frequencies
28. Letter from Chief Hittle of the Stockton Fire Department, dated February 26, 2007, to Chief Bosch of the Tracy Fire Department concerning the Public Safety Radio Frequencies.
29. Report to the Board of Supervisors by the Fire Chief, Ripon Fire District, Chairman, San Joaquin County Joint Radio Users Group (SJCJRUG)
30. March 29 communication from the Stockton Fire Department to EMS, Re: Information Exchange.

31. Unusual Occurrence Case #06489, Public Report, January 29, 2007

Relevant Law and Regulations:

32. Health and Safety Code, Division 2.5, Section 1797.200

33. Health and Safety Code, Division 2.5, Section 1797.204

34. Health and Safety Code, Division 2.5, Section 1798

35. California Code of Regulations, Title 11, Division 9, Chapter 12, EMS System Quality Improvement

Relevant San Joaquin County EMS Agency Policy and Procedures:

36. San Joaquin County EMS Policy No. 540.01 Unusual Occurrence

37. San Joaquin County EMS Agency No. 3001, Guidelines for EMS Call Screening by Primary Public Safety Answering Points

38. San Joaquin County EMS Agency No. 3001A, PSAP Call type Flow Sheet

39. San Joaquin County EMS Agency No. 3101, Emergency Ambulance Service Provider Dispatch Requirements

40. San Joaquin County EMS Agency No. 6620, Continuous Quality Improvement Process

41. EMS Form #6002, Unusual Occurrence Report, August 16, 2006

Relevant LifeCom EMS and Fire Dispatch Policies and Procedures:

42. MPDS Implementation and EMD Call Processing

43. Emergency Call Taking and Law Enforcement/Fire/First Responder Call Notification

44. GIS/GEO File Troubleshoot Procedure

45. Sentinel Event Notification Matrix

46. Letter from EMS to Stockton Fire Department dated November 22, 2006, Re: Unusual Occurrence Report, SJCEMSA Case #6459

47. Letter from EMS to Stockton Fire Department dated November 22, 2006 Re: Unusual Occurrence Report, SJCEMSA Case #6443

48. Data Reduction Methodology used by Inspironics for January 2007

49. Listing of Unusual Occurrence Reports Categorized by Type for EMS Continuous Quality Improvement Meeting of March 15, 2007

FINDINGS:

1. The current method of dispatch has land line 911 calls going to primary Public Safety Access Points (PSAPs). Depending on the location of the call, the call goes to the Stockton Police Department for Stockton, Lodi Police Department for Lodi, etc., and anything in the unincorporated County area goes to the San Joaquin County Sheriff's Department. The fire and medical emergency calls for Stockton, Lodi and Manteca go to the Stockton Fire Department. Stockton dispatches these fire departments as before and at the same time informs the LifeCom center of the medical emergency. County 911 calls go to the Sheriff's Department with fire calls transferred to Stockton as before and medical calls transferred to AMR's LifeCom Center. Since this process is the same as before the new contract was implemented, the dispatch times and service should be comparable.

2. All 911 cell phone calls go to the California Highway Patrol (CHP). In the past the CHP would transfer fire and medical calls to the Stockton Fire Department for dispatch. Since May 2006 the CHP transfers fire and medical calls to AMR's LifeCom Center. As a result of this change some dispatch problems and delays have been occurring. If it is a medical emergency call, both the fire department and ambulance are dispatched virtually simultaneously over the CAD-to-CAD system between LifeCom and Stockton Regional Dispatch Center with a subsequent follow-up phone call. The CAD-to CAD system from LifeCom to Stockton was set up to transfer medical information, not fire information. So if the cell phone call is a fire call, it has been necessary for LifeCom to phone Stockton with the fire information, causing delays longer than before the contract was implemented.

3. Following an extensive review and investigation of the allegation of serious dispatch failures, the Grand Jury has determined that there are at the present time few dispatch failures by AMR which are affecting the response and provision of emergency medical services to the residents of San Joaquin County; given the approximate 3,000 calls dispatched by AMR each month, the failure rate is very low. There were problems at the beginning of the contract; however, with the CAD-to-CAD communications now in place, significant dispatch delays for emergency medical service are not occurring. Many of the Fire Departments noted that there were similar problems in the 1990's when they began to be dispatched by Stockton.

4. In addition to the general investigation of the Emergency Medical Dispatch System, the Grand Jury investigated the specific allegations made by two Fire Departments as well as those contained in the original complaint.

On March 20, the Grand Jury received a list of Structure Fire Incidents that purported to document unacceptable delays as a result of issues with the LifeCom Fire Dispatch Center operated by AMR in Salida. The document indicated that the average time from call receipt to dispatch on structure fires for the last year was 51 seconds. The Grand Jury already had the results of an investigation of these same incidents conducted by the San Joaquin County Radio Users Group (SJCRUG), which had concluded the following: "No delay exists that is inconsistent with those inherent calls coming into the systems from cellular phones." This group also discussed the inherent problems with cellular phone calls and the difficulty of determining location. The full report of this group's findings was presented to the County Board of Supervisors on February 6th, 2007, including a table noting the actual times LifeCom received the call and subsequent dispatch to Stockton. Of special note is the following conclusion from the report: "SJCRUG is pleased with the services we are receiving from LifeCom and are looking forward to our partnerships in the future." The SJCRUG is comprised of representatives from the following fire departments and districts: Escalon, Ripon, Lathrop-Manteca, Farmington, Linden-Peters, Clements, Woodbridge, Tracy, French Camp, Liberty, Mokelumne, Colleagueville, Waterloo-Morada, Thornton, Montezuma, and Manteca. The Grand Jury therefore concludes that the current response time is acceptable.

5. Another continuing allegation is that LifeCom does not have an up-to-date Geographic Information System (GIS) file and therefore does not have all of the addresses in the City of Stockton as well as the County. As noted in one Unusual Occurrence Report, there were problems with the GIS used by LifeCom from a private company. However, subsequent to that time, the GEO/GIS database was updated with the County and City Database on November 16, 2006. This action was confirmed by the EMS Office in letters to the Stockton Fire Department dated November 22, 2006. In addition, to confirm this update, the Grand Jury visited the LifeCom Center, observing that an update had been completed, and verifying it with the Stockton GIS Coordinator and the GIS Manager for San Joaquin County. These databases are now transferred to LifeCom on the 15th of each month using File Transfer Protocol (FTP).

6. The Grand Jury found in interviews with staff from the Stockton and Lodi Fire Departments that they believe a private company should not do emergency medical dispatch. Based on this presumption, these cities, plus Manteca, have refused to dispatch medical calls through LifeCom. Some of the background in this matter includes a Memorandum dated December 19, 2003, from the San Joaquin County Fire Chiefs Association to the Chico Research Foundation with a subject of Redesign of County EMS System which they believe was ignored. An earlier agreement between the Stockton Fire Department and AMR to submit a joint application for dispatch fell apart when AMR dropped out of that agreement and subsequently was awarded the contract for dispatch in San Joaquin County. The end result has been a continual process of submitting unusual occurrence reports, which often appear to exaggerate problems and response times. Based on the interviews, documents reviewed, and organizations visited, and as noted above, this process seems to have continued to this day including problems that have already been investigated and/or resolved.

Of particular note, of the 558 Unusual Occurrence reports for January, 117 were generated by the Stockton Fire Department complaining about LifeCom and 423 were generated by LifeCom complaining about the Stockton Fire Department. The remaining unusual occurrence reports, which did not contain so-called "dispatch" problems, have been resolved. A significant number of these Unusual Occurrences were complaints about data missing from the CAD-to-CAD system. It now appears that after many months of replicated complaints about missing data, Stockton and AMR are going to be working on a Phase II of the CAD-to-CAD systems that should include both medical as well as fire dispatch data.

7. Subsequent to the refusal of Stockton, Lodi, and Manteca to change the medical dispatch, San Joaquin County filed a lawsuit to make them comply. Part of the issue now focuses on allegedly contradicting statutes, with the cities noting that the 911 law says that local governments decide where 911 calls go and the County noting an EMS law that assigns responsibility for EMS questions to the County.

8. The Grand Jury investigated the allegations made in the complaint, including negligence, illegality, manipulation of data, and questions regarding the "misconduct fines."

a. The Grand Jury has found no validity in any of these charges. As to covering up problems, they are all examined in the compliance reports presented to the Board of Supervisors and the public has access to all reports on the County's website. In fact, this web site has a great amount of relevant information. The Grand Jury found no indications of a cover-up.

b. As to the manipulation of emergency call receipt, turn over of calls and dispatch, the Grand Jury's investigation found no such manipulation. On the contrary, all data is entered into a database which is immediately replicated a number of times both for back up but also for analysis and compilation by EMS. Only one EMS edit of any item is allowed and it is highlighted for later review. The response data itself is also analyzed and compiled by an outside contractor (Inspironics) who provides this service for five other counties. This data is then sent back to EMS for further review and submission to the Board of Supervisors. Thus the data is examined by both EMS and an outside company. To believe that this Company would jeopardize its reputation and/or contracts with other counties just to manipulate data does not seem reasonable.

c. As to the so-called "misconduct fines," the only actions which have resulted in the reduction of fines are again publicly available on the internet with a letter from AMR to EMS dated August 9, 2006, appealing the fines for May and June 2006. A follow-up letter from EMS to AMR dated October 4, 2006 has the subject: Appeal of Fines for May and June 2006. This letter notes that the fines were reduced after a review and recommendation by the Ambulance Contract Advisory Group (ACAG). No subsequent exceptions have been given nor fines reduced.

9. The Grand Jury finds that the only real threat which might affect the response and provision of emergency medical services to the residents of San Joaquin County has been identified by the EMS Agency itself in its Contract Compliance Report for November and December dated February 27, 2007. The problem identified is the growing problem of delays of transferring care from the ambulances to the emergency departments in the local hospitals. In some hospitals the transfer of care has exceeded four hours with six or more ambulance crews treating their patients in the emergency department hallways waiting for the hospital to accept the patients. The report notes that this problem can lead to AMR's request of more exemptions related to response time, but more importantly it significantly degrades the number of ambulances available for subsequent emergency service and transport. The Grand Jury supports the EMS Agency's efforts to resolve the growing problem of delays of transferring care in the emergency department.

RECOMMENDATIONS:

1. It is time for all agencies to set aside their differences, stop using the Unusual Occurrence process to discredit each other and to work together on improving Emergency Medical and Fire Dispatch in San Joaquin County and resolving any problems that exist. A number of organizations are already in place to provide a forum for this cooperation, including the EMS Quality Improvement Council, the San Joaquin County Fire Chiefs group, the San Joaquin County Radio Users Group and the 911 Primary PSAP Organization. This collaborative process is crucial to the health and safety needs of the people of San Joaquin County.

2. The EMS Agency, AMR, and Stockton Fire Department need to ensure that Phase II of the CAD-to-CAD system goes forward quickly to resolve any missing data issues.

3. The Grand Jury recommends that the cities of Stockton, Lodi and Manteca immediately begin to have their Emergency Medical Needs dispatched by LifeCom. However, the members recognize that there is a litigation issue concerning the control of 911 calls by local governments. When this litigation is decided, no matter the outcome, these cities should reevaluate their stance on Emergency Medical Dispatch and work together to serve the residents of San Joaquin County.

RESPONSE REQUIRED:

Pursuant to Section 933.05 of the Penal Code:

The Stockton City Council (all three recommendations), the Lodi City Council (recommendations #1 and #3), and the Manteca City Council (recommendations #1 and #3) shall report to the Presiding Judge of the San Joaquin County Superior Court, in writing and within 90 days of publication of this report, with a response as follow:

As to each finding in the report a response indicating on the following:

- a. The respondent agrees with the finding.

- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of analysis and a time frame not to exceed (6) six months
- d. The recommendation will not be implemented, with an explanation therefore.